

BOARD OF COUNTY COMMISSIONERS

Eric K. Maxwell, Chairman
Randy Ognio, Vice Chairman
Steve Brown
Charles W. Oddo
Charles D. Rousseau

FAYETTE COUNTY, GEORGIA

Steve Rapson, County Administrator
Dennis A. Davenport, County Attorney
Tameca P. White, County Clerk



140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

AGENDA

May 11, 2017
7:00 p.m.

Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2nd and 4th Thursday of each month at 7:00 p.m.

Call to Order

Invocation by Vice Chairman Randy Ognio

Pledge of Allegiance

Acceptance of Agenda

PROCLAMATION/RECOGNITION:

1. Recognition of Kenneth Spaller honoring 52 years of service as a member of the Fayette County Board of Assessors. (pages 3-4)

PUBLIC HEARING:**CONSENT AGENDA:**

2. Approval of staff's recommendation to contract with Gordian Group (Centennial Contractors Enterprise, Inc.) to paint the entire Stonewall Building in the amount of \$170,605.07 as a part of the Stonewall Administrative Building CIP Refurbishment Project (#6565B). (pages 5-12)
3. Approval of the April 25, 2017 Board of Commissioners Meeting Minutes. (pages 13-30)

OLD BUSINESS:**NEW BUSINESS:**

4. Consideration staff's recommendation to submit applications to the Atlanta Regional Commission in response to their open solicitation for Transportation Improvement Program (TIP) projects and authorization for the Chairman to provide a letter of support for the projects. (pages 31-33)
5. Consideration of staff's recommendation to award RFP #1282-P, Comprehensive Transportation Plan (CTP) and Master Path Plan (MPP) to Jacobs Engineering Group for a lump sum amount of \$492,124. (pages 34-41)

6. Consideration of the County Attorney's recommendation to deny the disposition of tax refunds, as requested by James Henry for tax year 2016 in the amount of \$2,814.11. (pages 42-45)
7. Consideration of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by Eileen Kross for tax year 2016 in the amount of \$1,795.08. (pages 46-49)

PUBLIC COMMENT:

ADMINISTRATOR'S REPORTS:

ATTORNEY'S REPORTS:

COMMISSIONERS' REPORTS:

EXECUTIVE SESSION:

ADJOURNMENT:

COUNTY AGENDA REQUEST

Page 3 of 49

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Recognition of Kenneth Spaller honoring 52 years of service as a member of the Fayette County Board of Assessors.

Background/History/Details:

Mr. Kenneth Spaller is a resident of Brooks, Georgia and was appointed to the Fayette County Board of Assessors and the Chief Appraiser in the late 1960's. Mr. Spaller, a farmer, worked in the Assessors office full-time for approximately two years before returning to farming. He was one of the first to receive an Appraiser III designation in 1972.

Mr. Kenneth Spaller was also on the Coweta-Fayette EMC Board of Directors before recently retiring.

What action are you seeking from the Board of Commissioners?

Recognition of Kenneth Spaller honoring 52 years of service as a member of the Fayette County Board of Assessors.

If this item requires funding, please describe:

Not applicable.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance

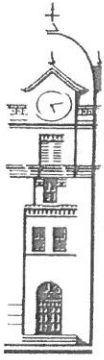
Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:



Fayette
COUNTY

"WHERE QUALITY
IS A LIFESTYLE"

TAX ASSESSOR

140 STONEWALL AVENUE WEST, STE 108

FAYETTEVILLE, GEORGIA 30214

PHONE: 770-305-5402

www.fayettecountyga.gov

April 20, 2017

Kenneth Spaller
261 Highway 85 Connector
Brooks, GA 30205

Board of County Commissioners
Fayette County, GA

Due to health reasons, after 52 years of service to Fayette County, I am resigning from the Board of Tax Assessors effective May 31, 2017.

Thank you,

A handwritten signature in cursive script that reads "Kenneth Spaller".

Kenneth Spaller
Chairman
Fayette County BOA

COUNTY AGENDA REQUEST

Page 5 of 49

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Approval of staff's recommendation to contract with Gordian Group (Centennial Contractors Enterprise, Inc.) to paint the entire Stonewall Building in the amount of \$170,605.07 as a part of the Stonewall Administrative Building CIP Refurbishment Project (#6565B).

Background/History/Details:

Buildings & Grounds solicited budget pricing for this work and subsequently submitted a CIP request for \$189,200 in FY2016 to pressure wash & paint the entire Administrative building. The Board of Commissioners approved CIP funding for pressure washing & painting maintenance work associated with the Administrative Building during the FY 2016 budget process. To expedite the bid process, staff elected to use the State contract option and received a price of \$170,605.07 to paint the entire building. There is currently a bid of \$3,849 to pressure wash the building via the standard bid process. The pressure washing task has been on hold until a painting contract is in place to immediately follow pressure washing so as to provide the best possible surface for good paint adhesion & finish. The current schedule indicates approximately 94 working days to complete the painting task.

Once, both the pressure washing & painting contracts are in place, staff can proceed to finalize the contract to recover the building canopies as this work will need to be scheduled and coordinated with the painting.

The same company that completed the painting of the Senior Center is the same company scheduled to paint the Administrative building under this Gordian Contract. Staff was very pleased with the quality paint job performed at the Senior Center and expect no less a quality job on the Administrative Building.

What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to contract with Gordian Group to Paint entire Stonewall Building in the amount of \$170,605.07 as a part of the Stonewall Administrative Building CIP Refurbishment Project (#6565B).

If this item requires funding, please describe:

Funding is available from CIP #6565B.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:



PURCHASING DEPARTMENT
140 STONEWALL AVENUE WEST, STE 204
FAYETTEVILLE, GEORGIA 30214
PHONE: 770-305-5420
www.fayettecountyga.gov

To: Steve Rapson

From: Ted L. Burgess

Date: May 11, 2017

Subject: Job Order Contract #1286-S: Paint Stonewall Building

The Gordian Group is a national company that has, through a strategic partnership with the National Joint Powers Alliance (NJPA) and the Georgia Department of Administrative Services (DOAS), developed a job order contract (JOC) system that is available to the county. They divided the state into 12 regions, and development agreements with local contractors in each. We are in Region 3, and our current contractor is Centennial Contractors Enterprises, Inc. at Cobb Galleria Parkway.

DOAS states, "The purpose of this contract is to provide firm fixed priced, indefinite quantity, multi-traded general construction services to accomplish small to medium sized projects for repair, alteration, modernization, rehabilitation and minor new construction to infrastructure, buildings, structures, or other real property." DOAS has, through the formal solicitation process, contracted for set unit costs, to be used in pricing any job.

The current budget includes Project #6565B for Stonewall building refurbishment. A major portion of the work is to prepare and paint the building. This includes a considerable number of steps, including:

- Sandblast metal handrails, catwalk metal decking, and beams.
- Sand and scrape metal handrails, doors and frames.
- Sand wood storefronts, decorative panels, and handrails.
- Remove damaged deck coating and install ArmorSeal coating.
- Caulk and seal stucco joints, door frames, and window frames.
- Apply two coats of paint to all stucco, wood, deck, concrete masonry, gutters and downspouts, metal doors and frames, and all other surfaces.

Centennial Contractors Enterprises quoted a price of \$170,605.07 to complete all of the above tasks. Centennial has performed work for the county in the past, and the Building and Grounds Maintenance Department is satisfied with their work (please see attached Contractor Performance Evaluation). Specifics of the proposed contract are as follows:

Contract Name	1286-S: Paint Stonewall Building
Vendor	Centennial Contractors Enterprises, Inc.
Not-to-Exceed Amount	\$170,605.07
Budget:	
Organization Code	37510565 Building & Grounds Maintenance
Object Code	541210 Other Improvements
Project Code	6565B Stonewall Administration Building
Available Budget	\$215,780.46

FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION

Page 1

1. Use this form to record contractor performance for any contract of \$50,000 or above.
2. The person who serves as project manager or account manager is the designated party to complete the evaluation.
3. This form is to be completed and forwarded to the Purchasing Department not later than 30 days after completion or expiration of a contract. Past performance is considered on future contracts.

VENDOR INFORMATION	COMPLETE ALL APPLICABLE INFORMATION
Company Name: Gordian Group/Centennial	Contract Number: GA03-062911-CCE
Mailing Address: 3200 Cobb Galleria Pkwy suite 210	Contract Description or Title: Historic Courthouse Refurbishment
City, St, Zip Code: Atlanta Ga. 30339	Contract Term (Dates) From: 05/18/2015 To:
Phone Number: 770-613-2999	Task Order Number: #962-N
Cell Number:	Other Reference: Project # 5565A
E-Mail Address: www.cce-inc.com	

DEFINITIONS

OUTSTANDING – Vendor considerably exceeded minimum contractual requirements or performance expectations of the products/services; The vendor demonstrated the highest level of quality workmanship/professionalism in execution of contract.

EXCELLENT (Exc) - Vendor exceeded minimum contractual requirements or performance expectations of the products/services.

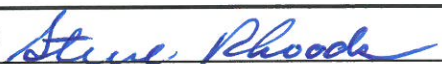
SATISFACTORY (Sat) - Vendor met minimum contractual requirements or performance expectations of the products/services.

UNSATISFACTORY (UnSat) - Vendor did not meet the minimum contractual requirements or performance expectations of the products and/or services; Performed below minimum requirements

EVALUATIONS (Place "X" in appropriate box for each criterion.)

Criteria (includes change orders / amendments)	Out-standing	Exc	Sat	Un-Sat	Not Apply
1. Work or other deliverables performed on schedule		X			
2. Condition of delivered products			X		
3. Quality of work		X			
4. Adherence to specifications or scope of work		X			
5. Timely, appropriate, & satisfactory problem or complaint resolution		X			
6. Timeliness and accuracy of invoicing			X		
7. Working relationship / interfacing with county staff and citizens		X			
8. Service Call (On-Call) response time					X
9. Adherence to contract budget and schedule		X			
10. Other (specify):					
11. Overall evaluation of contractor performance		X			

EVALUATED BY

Signature: 	Date of Evaluation: 05/01/2017
Print Name: Steve Rhoads	Department/Division: Building and Grounds
Title: Assistant Director	Telephone No: 770-320-6001



Fayette County Administration Building Re-paint Administration Building

CCE NO.: 73340-0078
EZIQC NO.: 034844.04

SCOPE OF WORK

March 9, 2017
Revision No. 1

SUMMARY SCOPE

This project includes scope of work to prepare and paint the exterior of the Fayette County Administration Building.

DETAILED SCOPE

1. Preparation

- a. Sandblast metal handrails on the backside of the building on 1st floor and on the 2nd floor catwalk. Sandblast the catwalk metal decking and beams.
- b. Sand and scrape metal handrails on (3) ea. staircases and at all metal doors and frames.
- c. Sand wood storefronts, decorative panels and handrails.
- d. Remove damaged deck coating on the 2nd level flooring and install ArmorSeal coating over entire floor.
- e. Caulk and seal stucco joints, door frames to wall, window frames to wall.

2. Painting

- a. Paint exterior EIFS/stucco of entire building with (2) ea. coats of SuperPaint Exterior Latex Satin Extra White.
- b. Paint wood ceilings with (2) ea. coats of Pro Industrial Urethane Alkyd Enamel Extra White.
- c. Paint (11) ea. bollards in (2) ea. coats of safety yellow in Pro Industrial Urethane Alkyd Enamel Gloss.
- d. Paint 2nd level deck coating at the front of the building with (2) ea. coats of ArmorSeal Tread-Plex.
- e. Paint CMU (Concrete Masonry) with (2) ea. coats of SuperPaint Exterior Latex Satin Extra White.
- f. Paint the gutters and downspouts with (2) ea. coats of Bond-Plex Waterbased Acrylic Coating Extra White/Tint Base.
- g. Paint the rear metal doors and frames with (2) ea. coats of Pro Industrial Urethane Alkyd Enamel Extra White.
- h. Paint the wrought iron fence and metal deck with (2) ea. coats of Pro Industrial Urethane Alkyd Enamel Extra White.
- i. Paint the wood doors and frames, decorative wood panels and window frames with (1) ea. coat of oil-based primer and (2) ea. coats of SuperPaint Exterior High Gloss Latex Enamel Extra White.

3. Paint Specification

Property of Centennial Enterprises, Inc. All information is considered proprietary and may not be copied or reused without prior permission.

**All Paint specifications are to be Sherwin Williams specifications or equivalent.
Paint colors to be determined.**

- a. Concrete Block**
2 Coats: A89W01151- SuperPaint Exterior Latex Satin Extra White
- b. EIFS/Stucco**
2 Coats: A89W01151- SuperPaint Exterior Latex Satin Extra White
- c. Galvanized Metal (gutters and back of building metal ceiling)**
2 Coats: B71W00211- Bond-Plex Waterbased Acrylic Coating Extra White/Tint Base
- d. Rear Metal Painted Doors**
2 Coats: B54W00151- Pro Industrial Urethane Alkyd Enamel Extra White
- e. Painted Wrought Iron Fence**
2 Coats: B54W00151- Pro Industrial Urethane Alkyd Enamel Extra White
- f. Stairwell**
2 Coats: B54W00151- Pro Industrial Urethane Alkyd Enamel Extra White
- g. Paint Front Wood Doors**
Primer Coat: Y24W08020 – Exterior Oil-Based Wood Primer White
2 Coats: A85W00051 – SuperPaint Exterior High Gloss Latex Enamel Extra White.

CLARIFICATIONS AND EXCLUSIONS

1. Centennial Contractors specifically excludes any work not stated in the above scope of work. No additional work shall be performed without written permission by Fayette County and an official approved Change Order.
2. Centennial excludes testing and remediation of all hazardous material.
3. Lead paint was checked with 3M Lead Check Swabs on the stair metal, gutters, doors and metal handrails and found no indication that lead paint was present in the coatings. Also checked the painted wood trim and block walls with negative results.
4. It is assumed that access will be granted as necessary and in sequence to all areas necessary for installation.
5. The building will be occupied during the painting project.
6. Pressure wash entire exterior of building to paint manufacturer's recommendations to include concrete block walls, EIFS, wood storefronts, all handrails and metal decking is to be performed by Fayette County prior to painting by Centennial. Work will be coordinated with Fayette County. Centennial to give Fayette County 4 business days notice prior to needing Fayette County on-site to perform pressure washing. Fayette County shall take no longer than 7 business days to begin work and 14 business days to complete work from date of notice.

SAFETY

1. All work shall be performed in accordance with OSHA and EM 385-1-1 Safety Standards.

SUBMITTALS

1. Paint color draw downs.

DETAILS THAT APPLY TO ALL WORK AREAS

1. Access to site: Normal working hours from 7:00am to 4:00pm.
2. The Administration Building will be occupied during the course of work.
3. Any reference to "match existing" shall be defined as to match the existing as close as possible. Exact matches are rarely possible due to wear and tear, weathering, and color variations in materials due to manufacturing processes.
4. Contractors shall review all sections of scope of work to ensure that all requirements for each work package are included.
5. Contractors shall field-verify existing conditions as applicable to their specific work packages. All measurements and quantities supplied in this scope of work are approximate in nature and are supplied as a convenience for the contractor.
6. Contractors shall ensure that their applicable work areas are cleaned on a daily basis to ensure a safe and clean work site.
7. Contractors shall develop an Activity Hazard Analysis (AHA) for each of their definable features of works. Each AHA shall designate the competent person for that feature of work. These AHA's shall be reviewed and understood by each crew member working on the project site.
8. Contractors shall develop a Fall Protection Plan for any work over 6' above finish floor/grade and/or near openings and/or on the roof structure. These Fall Protection Plans shall be reviewed and understood by each crew member working on the project site. Bungee-type lanyards and rope grab systems are prohibited on Centennial's projects without written approval from the Centennial Senior Site Representative (SSR). Retractable-type lanyards shall be utilized.
9. Contractors shall take measures necessary to protect other items and surfaces from damage during their work activities.
10. Parking will be made available by Fayette County. Centennial will coordinate all parking and deliveries with the staff prior to beginning work.
11. Contractor shall obtain approvals in advance for all lay down and storage areas.
12. Contractor shall not be required to pay Davis Bacon Wage Rates.
13. Provide adequate labor, equipment, and supervision necessary to complete the scheduled tasks.

PROJECT SCHEDULE

1. All work shall be completed during normal working hours.
2. Contractor to propose a detailed construction schedule and submit with proposal package.
3. The work shall be completed within 134 calendar days from date of the Purchase Order issuance. The Contractor will coordinate a specific schedule for on-site activities with the Fayette County representative.

FAYETTE COUNTY RESPONSIBILITIES

1. Fayette County shall provide access to the worksite during normal working hours.
2. Fayette County shall provide a staging area for project related materials.
3. Fayette County shall be responsible for re-routing pedestrian traffic as necessary.

PERMITTING

At the time of issuance of a Purchase Order for this Work, it is understood that permits are not required for this Work. If this changes, the Contractor will be responsible for obtaining such applicable permits and the Owner will be responsible for compensating the Contractor for permit fees and any design necessary to obtain such permits or related approvals as described in the ezIQC master contract documents (i.e. permit fees are dollar for dollar reimbursable and

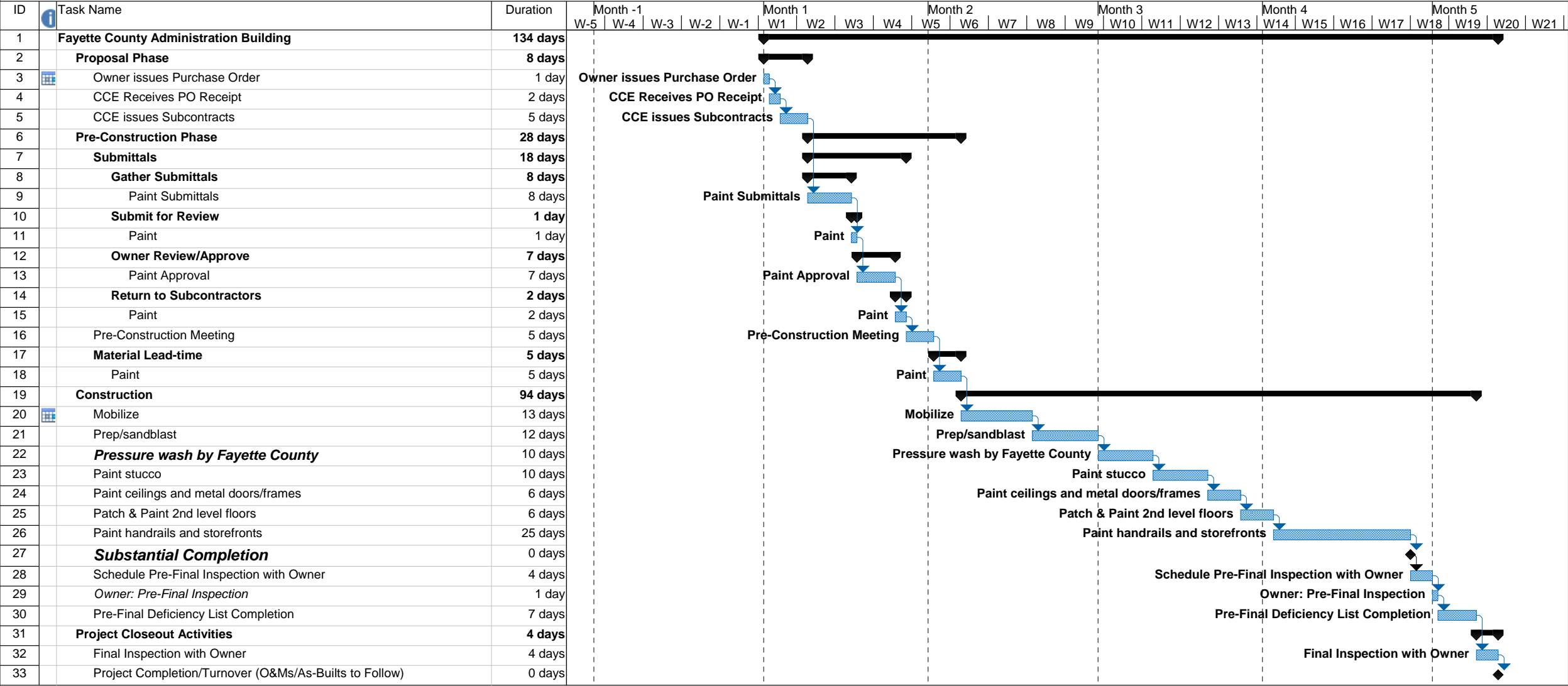
professional design and engineering fees are paid for at hourly rates published in the Construction Task Catalog).

CONTRACT DOCUMENT ORDER OF PRECEDENCE:

Contract documents shall govern in the order first listed below:

1. This Detailed Scope of Work
 - a. Other documents referenced immediately above.
2. Owner issued Contract Documents
3. Specifications, Drawings, and Sketches
4. EZIQC master contract documents

Administration Exterior Upgrades - Paint
Fayette County



Project: 73340-0078
Date: Thu 3/9/17

Task		Rolled Up Progress		Inactive Milestone		Finish-only	
Critical Task		Split		Inactive Summary		External Tasks	
Milestone		External Tasks		Manual Task		External Milestone	
Summary		Project Summary		Duration-only		Progress	
Rolled Up Task		Group By Summary		Manual Summary Rollup			
Rolled Up Critical Task		Inactive Task		Manual Summary			
Rolled Up Milestone		Inactive Milestone		Start-only			

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140 Stonewall Avenue West
Public Meeting Room
Fayetteville, GA 30214

MINUTES

April 25, 2017
7:00 p.m.

Welcome to the meeting of your Fayette County Board of Commissioners. Your participation in County government is appreciated. All regularly scheduled Board meetings are open to the public and are held on the 2nd and 4th Thursday of each month at 7:00 p.m.

Call to Order

Chairman Eric Maxwell called the April 25, 2017 Board of Commissioners meeting to order at 7:02 p.m. A quorum of the board was present.

Invocation and Pledge of Allegiance by Commissioner Steve Brown

Commissioner Steve Brown offered the Invocation and led the audience in the Pledge of Allegiance.

Acceptance of Agenda

Commissioner Brown moved to accept the agenda with the change of moving item #5 after item #3. Vice Chairman Randy Ognio seconded. The motion passed 4-1 with Commissioner Charles Oddo voting in opposition.

PROCLAMATION/RECOGNITION:**1. Proclamation honoring April as "National Donate Life Month".**

Commissioner Charles Oddo, on behalf of the Board of Commissioners, presented Ms. Cynthia Jenkins of LifeLink a proclamation honoring April as "National Donate Life Month". Ms. Jenkins gave comments regarding the importance of organ donations. A copy of the request, identified as "Attachment 1", follows these minutes and is made an official part thereof.

2. Recognition of the Fayette County Master Gardener Extension Volunteers.

Horticulture Program Assistant Sandy Edwards presented the citizens of Fayette County with a faux check for over \$200,000 to represent the amount of volunteer hours for 2016 from the volunteers that work with the Master Gardeners Extension Volunteers. A copy of the request, identified as "Attachment 2", follows these minutes and is made an official part thereof.

3. Proclamation of May 1, 2017 as "Water Professionals Appreciation Day."

Chairman Maxwell, on behalf of the Board of Commissioners, presented Water System Director Lee Pope and staff with a proclamation honoring May 1, 2017 as "Water Professionals Appreciation Day". Mr. Pope gave comments about the hard work of the Water System staff. A copy of the request, identified as "Attachment 3", follows these minutes and is made an official part thereof.

PUBLIC HEARING:

Community Development Director Pete Frisina read the *Introduction to Public Hearings for the Rezoning of Property*. A copy of the Introduction to Public Hearings for the Rezoning of Property, identified as "Attachment 4," follows these minutes and is made an official part hereof.

4. **Consideration of Petition No. 1264-17, Oscar C. Cavender Family Limited Partnership, Owner, and Bryan Forester, Agent, request to rezone 21.80 acres from A-R to R-70 to develop a Single-Family Residential Subdivision on property located in Land Lot 59 of the 7th District and fronting on Ebenezer Road with one (1) condition.**

This item was discussed after item #5 due to the motion at the Acceptance of the Agenda.

Chairman Maxwell recused himself from the discussion and vote because it involved someone he had done business with in the past. He stated that Rod Wright was a friend. He stated that he and Mr. Wright had visited each other's home recently. He turned the meeting over to Vice Chairman Ognio.

Mr. Frisina stated that there was one condition placed on the rezoning by staff and the Planning Commission and that it was dealing with the additional dedication of right-of-way and that both, staff and the Planning Commission, recommended approval with the one condition. He stated that the concept plan was provided on the dais.

Mr. Newton Galloway spoke on behalf on Rod Wright in favor of this item. He stated that the property was currently zoned A-R and the proposal was for R-70. He stated that his comments would be brief because Mr. Frisina' report was accurate and thorough. He stated that the development was consistent with the low density residential classification under the future land use map. He stated that the property was bound on the south and southwest of Ebenezer Road by property that was already zoned R-70. He stated that the developer agreed to the one condition which related to the additional 10 feet of right-of-way off of Ebenezer Road. He requested that the Board approve.

Mr. David Cavender spoke in favor of this item. He stated that he was the executive of the estate and he asked the Board to approve the request.

Mr. Keith Larson spoke in favor of this item. He stated that he saw this as a constructive use of the plan. He stated that his concern was that many times the lots that are available do not provide opportunities for starter homes. He stated that he was hopeful that the developer would consider pricing the homes for reasonable accommodations and access for young families.

No one spoke in opposition.

Commissioner Brown stated that the Board had seen this property before under a different meeting and different scenario and the Board did not approve. He stated that the Board had just approved the new land use plan proposal and the plan does not conform to what was being requested. He stated that the old land use plan was one unit to one to two acres and the new plan was one unit to three acres. He stated that he would not want the Board to breach the new plan with the first request out the gate. He stated that the applicant had thirty days to bring it back and that would mean it would come back to the June 8 Board meeting.

Commissioner Rousseau stated that the plan that was just voted on was tentative and was a proposal to submit to the state, pending their approval. He stated that the current land use plan was still in effect.

Vice Chairman Ognio stated that there was an error in the backup information on the minutes from the Planning Commission that stated that John Culbreath was absent, but that he voted. Mr. Frisina acknowledged the error.

Commissioner Oddo stated that as stated by Commissioner Rousseau the current plan was still in effect and that the request was low density and that he did not see a reason to table or deny the request.

Commissioner Brown stated that he was comfortable with tabling this item until the Board receives a full review from the regional and state entities and have it ready to present on June 8.

Commissioner Rousseau stated that the Board was asked for a lower level of density with this request when it was brought to the Board last year and he believed that was accomplished.

County Attorney Dennis Davenport stated that the Board should be aware of the concept of vested rights. He stated that this gentleman marshaled his resources and made application to the Board when documents before the Board was at a certain position. He stated that he relied on that and had gone forward with his request. He stated that if the land use plan that was just approved by the Board was approved by ARC, it does not address the applicants' issue of potential vested rights. He stated that some would argue that the Board was bound by the way the ordinances were at the time the application was made. He stated that he would caution the Board not to rely on the a future decision by ARC, so much as to look at the condition of the land use plan and ordinances as existed before the vote was taken on the last item.

Commissioner Brown stated that the Board wanted to go to a much lower density and that was the direction given to the Steering Committee.

Commissioner Brown moved to table the Petition No. 1264-17, Oscar C. Cavender Family Limited Partnership, Owner, and Bryan Forester, Agent, request to rezone 21.80 acres from A-R to R-70 to develop a Single-Family Residential Subdivision on property located in Land Lot 59 of the 7th District and fronting on Ebenezer Road with one (1) condition. Commissioner Rousseau seconded. The motion failed 1-3-1 with Commissioners Oddo, Ognio and Rousseau voting in opposition. Chairman Maxwell abstained.

Vice Chairman Ognio stated that there was a lot of R-70 on one end but a lot of A-R around it. He stated that in the past when the Board rezoned the R-70 the applicant was asking for R-40 and the Board approved R-70. He stated that he would like to see it not rezoned.

Commissioner Brown stated that was why he requested that a moratorium be put in place so that the Board would not end up in a situation like this.

Vice Chairman Ognio stated that as mentioned by Mr. Davenport, the Board could not apply the new land use plan even if approved because it was not in place when the application was made.

Commissioner Oddo stated that to the topic of the moratorium, there was no guarantee that nothing would come. He stated that there have been six rezonings approved since the request of a moratorium and Commissioner Brown made a motion to approve four of the six. He stated that there was not a flood of rezonings. He stated that this one had been in the works. He stated that this request should move forward.

Vice Chairman Ognio stated that he did not know if anyone had addressed the driveway that comes out onto Ebenezer Road. He asked for the speed limit. Public Works Director Phil Mallon stated that he did not know for sure. It was suggested that the speed limit might be 40 to 45 miles per hour.

Commissioner Oddo moved to Petition No. 1264-17, Oscar C. Cavender Family Limited Partnership, Owner, and Bryan Forester, Agent, request to rezone 21.80 acres from A-R to R-70 to develop a Single-Family Residential Subdivision on property located in Land Lot 59 of the 7th District and fronting on Ebenezer Road with one (1) condition. Commissioner Rousseau seconded. The motion passed 3-1-1 with Commissioner Brown voting in opposition. Chairman Maxwell abstained. A copy of the request, identified as "Attachment 5", follows these minutes and is made an official part thereof.

5. Consideration of the Fayette County Comprehensive Plan 2017-2040 prior to submittal to the Atlanta Regional Commission and Georgia Department of Community Affairs for review.

This item was discussed prior to item #4 due to the motion at the Acceptance of the Agenda.

Mr. Frisina stated that based on a 2015 population estimate from the Atlanta Regional Commission (ARC) was 110,975 and that the estimated population projection for 2040 was 143,255 which indicates an increase over the next 23 years of 32,280 people and a 29% increase. He stated that the County conducted an online public survey with 1,550 responses and interviewed a number of stakeholder groups to create the direction of the plan. Mr. Frisina continued the PowerPoint presentation for the Board. The following are goals that were discussed in the Comprehensive Plan:

- Maintaining the rural character of the county
- Issues with subdivision entrances in older subdivisions
- Maintaining large lots to reduce traffic and density
- Traffic congestion/ road maintenance and better road improvements
- Elected officials and governmental services being improved to include leadership and reducing the tax burden on citizens
- Coordinating development with provision of adequate infrastructure
- Developing a county-wide multi-use paths system, sidewalks, off-road cycling facilities
- More parks, recreation areas and greenspace
- Lack of cultural facilities
- Working together between the county and cities to coordinate planning
- Pursuing economic development to create jobs, balance the tax base, but not to the detriment of the county
- Hospital/Pinewood area was prime location for development
- State Route 74 corridor was primary area for industrial and technical development
- Pursue agriculturalism as a way to maintain rural character and encourage owners an incentive to maintain large lots

He stated that the vision: "The county is to be a county that provides a great quality of life for its citizens and provides a county where the citizens can live, learn, work, play and shop in safety and comfort and where the quality of life is the plan's cornerstone." He stated that the county had a choice of lifestyle with the unincorporated county and the five municipalities. He stated that discussions also included rural character, transportation, regional development and development patterns. He continued with discussions about the land use plan and the two options for the Comprehensive Plan. He stated that perception of the public was that the county was developing too quickly and densely which was increasing traffic. He stated that there was concern of the citizens that the county was losing its rural character. He stated that in the current plan there are three major land use categories; low density residential (1 unit per 1 to 2 acres), rural residential (2 to 3 acres) and a five acre area at the southern portion of the county. He stated that the

recommendation was to go with four land use categories; low density residential at one unit per one acre, rural residential two at one unit per two acres and a rural residential three at one unit per three acres and the five acre would remain the same. He stated that the Planning Commission had recommended staying with the original land use plan to be approved by the state. He stated that the Planning Commission did not feel there was adequate time to take into consideration all the changes. He continued the presentation and provided recommendations. He stated that there were some typos in the plan. He stated that the table on page 70 regarding the fire stations and equipment was updated with corrections to the dates and locations of the stations. He stated that on page 71 there were some duplicate paragraphs that were removed and on page 141 there was some areas that were left blank. He stated that the area of the county was 127,726, sewers are roughly 36,447 acres at 29% of the county and the unincorporated area was 91,279 acres.

Chairman Maxwell asked for the Planning Commission's recommendation. Mr. Frisina stated that the Planning Commission's recommendation was to stay with the original land use plan and the original residential categories. Chairman Maxwell stated that was a three to one vote. He asked Mr. Frisina if he was consistent with that vote. Mr. Frisina stated that he worked with the Steering Committee so his recommendation was to go with the Steering Committee and staff's recommendation which was the second option.

No one spoke in favor.

Rod Wright stated that after his review of the proposed plan he noticed the change of one additional zoning which was inconsistent with what the Board wanted in May of 2016 in keeping this area R-70.

Commissioner Brown stated that he served on the Steering Committee. He stated that the one of the unique items of the Comprehensive Plan was commitments regarding the cities as well as unincorporated Fayette County. He stated that he would like to share the information that was gathered with the municipalities. He stated that one of the goals was to protect rural character which was the hallmark of the county. He stated that he was looking at protecting the rural corridors, paying attention to traffic flow and the nexus of traffic flow with land use. He stated that older subdivision covenants had either expired or are about to expire. He stated that when that happened there would be no enforceability on certain covenants. He stated that if the county's ordinances did not cover the issues there would be problems. He stated that road side appears was another concern and so was the fate of the Fayette Pavilion shopping center. He stated that the committee looked at how the land use affect transportation and affect traffic flow and that would be protected with the second map shown.

Commissioner Oddo stated that if the old version was approved could the Board go back in two months and adopt the new version.

Mr. Frisina stated that staff has to submit the plan to Atlanta Regional Commission (ARC) and the Department of Community Affairs (DCA) so during that process there cannot be any changes. He stated that after June 30 there can be changes made.

Commissioner Oddo stated that it was a lot of information to read. He stated that he had some concerns expressed to him from a member of the Planning Commission that it wasn't that he was opposed to the plan, but that he wanted more time to review the plan. He stated that he would like to give the Planning Commission more time and to allow them to look at this again.

Vice Chairman Ognio stated that with the new plan the Planning Commission could go back and look at it again and make some adjustments if needed. He stated that he was not a big fan of the commercial lot off of the East Fayetteville

Bypass because he did not want to see it built up commercial along the bypass. He stated that he liked the rest of the plan. He stated that there was a lot of useful information in the plan and he can tell a lot of time was spent on the plan.

Commissioner Charles Rousseau stated that he shared some of Vice Chairman Ognio's observations. He stated that particularly regarding looking at the issue of senior services and the growth that was occurring with the senior population. He stated that it was interesting to look at the lack of greenspace and recreation amenities. He stated that there was work to do and money to spend in making a commitment to add the services to enhance citizens' quality of life. He stated that not only in keeping the rural character but also in service delivery. He stated that he knew a great deal of work went into creating the Comprehensive Plan and that he did not portend to know that the Board cannot go back and make changes.

Chairman Maxwell stated that in the supporting documents there were 52 names on the list. He read the list of stakeholder groups involved in the plan. He stated that unfortunately the Board was under a time crunch. He stated that he wanted the Planning Commission to know that their work was appreciated. He stated that he was in favor of the second map, option two.

Commissioner Oddo stated that either way the Board decided there can be changes. He stated that he would like to give the Planning Commission more time and have it come back to the Board.

Mr. Frisina asked if the Board wanted to review the intersection that Vice Chairman Ognio mentioned. The Board reviewed further.

Commissioner Brown moved to approve the Fayette County Comprehensive Plan 2017-2040 as submitted by staff using the Steering Committee plan and going to low density residential. Vice Chairman Ognio seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 6", follows these minutes and is made an official part thereof.

CONSENT AGENDA:

Commissioner Brown moved to approve the Consent Agenda as written. Commissioner Rousseau seconded. Vice Chairman Ognio mentioned that a new chart was included on the dais for item #6. Commissioner Brown amended the motion to include the new chart. Commissioner Rousseau amended the second. The motion passed 5-0.

6. **Approval of Resolution 2017-07 to adopt the Fayette County 2016 Annual Report on Fire Services Impact Fees (FY2016), including Comprehensive Plan amendments for updates to the Capital Improvements Element and Short-Term Work Program (FY2017-FY2021.) A copy of the request, identified as "Attachment 7", follows these minutes and is made an official part thereof.**
7. **Approval of the draft contract between the Georgia Department of Transportation and Fayette County for the Fayette County Master Path Plan study (GDOT PI # 0015075 / ARC Project # FA-356). A copy of the request, identified as "Attachment 8", follows these minutes and is made an official part thereof.**
8. **Approval of staff's recommendation to approve the bid from Peek Pavement Markings, LLC for Bid #1280-B Roadway Striping Services in the amount of \$92,104.00. A copy of the request, identified as "Attachment 9", follows these minutes and is made an official part thereof.**
9. **Approval of the April 13, 2017 Board of Commissioners Meeting Minutes.**

In accordance with the Americans With Disabilities Act, accommodations are available for those who are hearing impaired and in need of a wheelchair. The Board of Commissioners Agenda and written material for each item is available on-line through the County's website at www.fayettecountyga.gov. This meeting will be telecast on Comcast Cable Channel 23 and on the internet at www.livestream.com.

OLD BUSINESS:

10. Consideration of staff's recommendation to approve Ordinance 2017-07 to repeal the Stormwater Utility. This item was tabled from the April 13, 2017 Board of Commissioners meeting.

Mr. Davenport stated that the Board was looking at the issue of repealing the Stormwater Utility ordinance and there was an issue of whether that could interfere with collection of delinquent fees. He stated that rather than repealing the fee wholesale the Board asked him to come back with a document that would have the effect of protecting the ability of the County to collect the delinquent fees. He stated that he was proposing to add a section to the Stormwater Utility ordinance section 28-199 which would have the effect of keeping that portion of the Stormwater Utility code viable for the collection of delinquent fees, but not viable for the assessment of new fees post April 25, 2017. He stated that a sunset provision was added as of December 31, 2017 for the entire Stormwater Utility code to go away. He stated that it was up to the Board to make the effective date as approaching December if the delinquent collections was not what the Board anticipated, then the Board had the ability to move that date farther out.

Vice Chairman Ognio moved to approve Ordinance 2017-07 to repeal the Stormwater Utility as presented.
Commissioner Oddo seconded.

Commissioner Rousseau stated that he wanted to be clear that he still wanted to have conversations about how to go about collecting the outstanding balance.

Mr. Davenport stated that he recommended putting it on a tickler system so that in October or November at the latest it comes back up again.

Mr. Rapson stated that he would have recommendations at the May 11 meeting on how to address those concerns.

Commissioner Brown stated that the County needed to set money aside for future years so that there would not be a need for a Special Purpose Local Option Sales Tax (SPLOST) again to repair all the damaged stormwater systems because the pipes do have a shelf-life and will decay again. He stated that there needed to be a line item to replenish the stormwater infrastructure in the future.

Vice Chairman Ognio moved to approve Ordinance 2017-07 to repeal the Stormwater Utility as presented.
Commissioner Oddo seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 10", follows these minutes and is made an official part thereof.

NEW BUSINESS:

11. Consideration of the award of RFP #1226-P, SR 74 Comprehensive Corridor Study to POND & Company for a lump sum amount of \$296,000 (GDOT PI No. 0015076 / ARC Project No. FA-357).

Mr. Mallon briefed the Board that this item was a follow up to the State Route (SR) 74 Corridor Study which was a federally funded ARC project in conjunction with several other local governments. He stated that an RFP was posted and seven proposals were received and reviewed. He stated that this one was ranked higher than all others. He stated that the Gateway Coalition for this project asked if there were some easy recommendations for projects to look at early on to continue building momentum and progress along the corridor.

Mr. Rapson stated that approach should go through the Transportation Committee for their adoption. He stated that there are funds set aside for the SR 74 Corridor projects. He stated that he wanted to mention that there was a request of \$17,000 from the South Fulton Community Improvement District to be allocated in addition to the funds set aside even though the budget for the project was larger than the actual contract.

Chairman Maxwell stated that he wanted staff to address why the low bid was not the chosen contract.

Mr. Rapson stated that stated that the RFP was weighed through an RFP process where 70% was weighted on the technical review of the committee. He stated that the committee members rated based on "project understanding, team experience schedule and quality of written proposal". He stated that in this case POND rated the highest. He stated that next the committee looked at price and POND was rated 26.2 and based on the best proposal including technical scores and cost, POND was selected.

Commissioner Brown stated that obviously there was a big difference in scores for "quality of written proposals". He asked staff what those differences would include.

Mr. Mallon stated that it would vary by each person that was scoring. He stated that he could only speak on his personal evaluation and sometimes that would include good use of graphics, the presentation of the proposal and spelling and grammar. He stated that he reviews the proposals to determine how well the message came across.

Commissioner Rousseau stated that there should be a clarification that there was a provision. He stated that lowest responsible and responsive bidder was not always the lowest price. He stated that staff needs to be careful that the scope and outline was quantitative as opposed to subjective. He stated that if staff was able to ensure him of that then he was prepared to vote on the item.

Mr. Rapson stated that one thing done, as a County, was to have in-house training on this process. He stated that some raters are tough and some are easy, but there was a need for consistency.

Commissioner Rousseau stated that he did not want it to linger that the County was accepting the higher bid when there was a lower bid. He stated that there were reasons behind that.

Mr. Rapson stated that the process was more interesting if it was a state or federal procurement. He stated that the price proposals aren't opened until after the technical scoring and if the first one opened was one that could be lived with, then the others aren't opened at all. He stated that there would be more such proposals as staff goes through the SPLOST process because most of the transportation projects are tied to federal dollars.

Commissioner Rousseau stated that the training was critical in these type situations.

Vice Chairman Ognio stated that there was seven bids which was great. He stated that he also looked at the fact that there were five bids higher than the bid being recommended. He stated that he was not always for taking the lowest bid because sometimes it can be more trouble than good. He commended staff on getting it to this point.

Chairman Maxwell stated that he looked at the score sheets and he accepted the numbers for what they are. He stated that there was a difference of \$20,000 that the Board would go to the next higher bidder. He stated that he saw what happened with the unfortunate event with the school board when something like this occurs.

Mr. Rapson stated that was not the first time the concern was raised. He stated that if the County was to select a company with a low technical score there may not be a savings because the change orders may exceed that amount. He stated that he would be more concerned if the evaluators did not have the skill set for the evaluation and that was not the case.

Chairman Maxwell stated that the highest one was \$387,000 and the lowest was \$278,000 which was around a \$100,000 difference on a relatively small contract. He stated that there were two that were relatively low and five that are much higher.

Commissioner Oddo stated that one of the issues was also quality. He stated that he would be concerned if the price difference was much more. He stated that the second lowest was being recommended and going with the lowest bid does not mean that they would do the best job.

Vice Chairman Ognio stated that the project team experience and scheduling are two key things.

Commissioner Rousseau moved to approve award of RFP #1226-P, SR 74 Comprehensive Corridor Study to POND & Company for a lump sum amount of \$296,000 (GDOT PI No. 0015076 / ARC Project No. FA-357). Vice Chairman Ognio seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 11", follows these minutes and is made an official part thereof.

12. Consideration of the Town of Tyrone annexation of 1919 and 1925 SR 74 North and the rezoning of said property from R-70 (Single-Family Residential) to O-I (Office-Institutional).

Mr. Frisina briefed the Board on this item. He stated that this property was located on SR 74 with two small lots with a house on each lot. He stated that it was almost totally surrounded by the Town of Tyrone. He stated that the proposal was to annex the property and rezone to Office-Institutional. He stated that it was currently zoned residential and remains in the low density residential category on the current land use plan. He stated that the law states that we had to determine if there was a material burden. He stated that he did not see a material burden on the county with the annexation of these two parcels. He stated that even though there was a change in land use zoning and/or land use density, he did not see a need to object. He stated that his recommendation was for the County not to object to the annexation.

Commissioner Brown asked if there was an intended developer.

Mr. Frisina stated that what he gathered from the Town of Tyrone Planner was that at this time it was to convert the two homes into offices.

Commissioner Oddo moved to not object to the Town of Tyrone annexation of 1919 and 1925 SR 74 North and the rezoning of said property from R-70 (Single-Family Residential) to O-I (Office-Institutional). Commissioner Brown seconded. The motion passed 4-0-1. Commissioner Rousseau stepped out of the meeting. A copy of the request, identified as "Attachment 12", follows these minutes and is made an official part thereof.

13. Consideration of the City of Fayetteville annexation of 1373 SR 85 North and the rezoning of said property from A-R (Agricultural-Residential) to C-3 (Highway-Commercial) and of 135 and 145 Walker Pkwy including an

undeveloped lot between 121 and 135 Walker Pkwy and the rezoning of said properties from C-H (Highway-Commercial) to C-3 (Highway-Commercial).

Mr. Frisina briefed the Board on this item. He stated that the A-R lot located on SR 85 was the three lots along Walker Parkway. He stated that the area was land use for commercial. He stated that the three buildings currently on the property would be demolished and the plan was to have a shopping center in the area. He stated that he could not find a material burden being placed on the county from this annexation/rezoning. He stated that it was a similar land use of what the county entertains for the area. He identified a portion of property that came up for rezoning a while back and was withdrawn and it was denied annexation by the city. He stated that at the time he talked to the property owners and they requested that a privacy fence be placed along the property line which was being considered as a condition. He stated that he spoke to the city when the annexation came through and he made the same suggestion and he would make it again. He stated that there was also discussion with the City of Fayetteville Public Works Director to work out an agreement to take over the administration and maintenance of the roadway. He stated that if the annexation takes place and both jurisdictions are agreeable that would be done through a transfer of the right-of-way after the annexation. He stated that he recommends the County does not object to this annexation.

Commissioner Oddo moved to not object to the City of Fayetteville annexation of 1373 SR 85 North and the rezoning of said property from A-R (Agricultural-Residential) to C-3 (Highway-Commercial) and of 135 and 145 Walker Pkwy including an undeveloped lot between 121 and 135 Walker Pkwy and the rezoning of said properties from C-H (Highway-Commercial) to C-3 (Highway-Commercial) and that the City of Fayetteville consider adding the privacy fence to the residential property. Commissioner Brown seconded.

Vice Chairman Ognio stated that he wished the City of Fayetteville could use the TAD areas instead of adding the strip malls up and down SR 85. He stated that they do not stay occupied.

Commissioner Brown stated that three of the properties are already zoned commercial under the county and that it was important that the City of Fayetteville wants to sell the TAD the make them work, then they will need to stop producing shopping centers everywhere else.

Commissioner Oddo moved to not object to the City of Fayetteville annexation of 1373 SR 85 North and the rezoning of said property from A-R (Agricultural-Residential) to C-3 (Highway-Commercial) and of 135 and 145 Walker Pkwy including an undeveloped lot between 121 and 135 Walker Pkwy and the rezoning of said properties from C-H (Highway-Commercial) to C-3 (Highway-Commercial) and that the City of Fayetteville consider adding the privacy fence to the residential property. Commissioner Brown seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 13", follows these minutes and is made an official part thereof.

14. Consideration of the City of Fayetteville annexation of 0.96 acres and the rezoning of said property from R-20 (Single-Family-Residential) to C-3 (Highway-Commercial). This subject property is a portion of a 28 acre parcel fronting on Ellis Road.

Mr. Frisina stated that this was the J & R Clothing shopping center. He stated that there was a new proposal that the City of Fayetteville was reviewing to redo the shopping center and put in a grocery store. He stated that the annexation was for a 75 foot strip that was 75 feet deep and 500 feet long. He stated that the required buffer was 75 feet. He stated that the property would become the buffer for the shopping center. He stated that he did not see a material burden on the county although there was a change in the land use and density. He stated that his recommendation was to not object.

Vice Chairman Ognio stated that the strip would be purchased by the people who own the J & R Clothing. Mr. Frisina stated yes it would be added into the property.

Vice Chairman Ognio moved to not object to the City of Fayetteville annexation of 0.96 acres and the rezoning of said property from R-20 (Single-Family-Residential) to C-3 (Highway-Commercial). This subject property is a portion of a 28 acre parcel fronting on Ellis Road. Commissioner Brown seconded. The motion passed 5-0. A copy of the request, identified as "Attachment 14", follows these minutes and is made an official part thereof.

15. Discussion regarding a request from the Fayette County Republican Party to reverse the Board of Commissioners' decision to seek attorney's fees from the Petitioners in regard to their efforts to remove Marilyn Watts from the Board of Elections.

Chairman Maxwell stated that he would recuse himself from the discussion and vote on this item. He stated that he currently represents Marilyn Watts on a case and that he had known her for 25 years. He stated that he had also represented Lane Watts, the son of Marilyn Watts, about a year ago.

The Board recessed at 8:59 p.m.

The Board reconvened at 9:06 p.m.

Attorney Mr. John Sparks stated that he was appointed by the County to represent Marilyn Watts. He stated that he read the letter presented by Scott Fabricius and the Republican Party. He stated that he sees this as a family fight between the Fayette County Republican Party. He stated that this action started with a petition that was not verified as required by law. He stated that he took Mr. Fabricius' disposition in 2014 and he asked him did he have any personal knowledge of the allegation contained in the petition and he stated no because he was not here in 2011. He stated that he raised the issue of the petition not being verified and two days after doing so he received a petition that was signed by Mr. Fabricius. He stated that the petition said that the allegations contained in the petition are true, except for those things upon information. He stated he reviewed the petition and nothing was upon information. He stated that Mr. Fabricius' attorney Mr. Hobbs stipulated that Mr. Fabricius had personal knowledge of anything contained in the petition which was in contradiction. He continued to explain the information in this case in reference to the letter provided by the Republican Party. He stated that there was \$30,000 spent on a law suit. He stated that the County should "make the people who brought the frivolous law suit reimburse the citizens of Fayette County."

Fayette County Republican Party Chairman Tyrone Jones stated that he was present to request that the County Commissioners reverse the decision to seek attorney's fees from the petitioners in regards to their efforts to remove Marilyn Watts as the Fayette County Republican Party's representative to the Board of Elections. He stated that there should be no debate about this request in light of the decision by the Administrative Judge, who based on the evidence presented, found Mr. Lane Watts was guilty of voter fraud. He stated that it was the cover up of that fraud that prompted the Fayette County Republican Part to seek a replacement for Ms. Watts. He stated that with all due respect to the Board, this was not the first time that the Board of Commissioners improperly involved itself in the internal workings of the Republican Party relative to the appointments to the Board of Elections. He stated that the Republican Party had the authority to appoint and/or replace its representative and it was the sole duty of the Board to recognize or certify that decision. He stated that Ms. Watts lost her appeal with the GOP at every level. He continued to explain the history of this case to the Board. He stated that if the Republican Party decided to make a change and it was improper for the County to pay an attorney to fight that decision. He stated that moreover, to suggest that the County should pay her fees because she was acting in the course and scope of her employment was not sure. He stated that Mr. Sparks during the

course of the litigation called him and requested that he drop the lawsuit and to reappoint her to the Board of Elections. He stated that he believed without a doubt that was unethical and should not have happened.

Republican Party Second Vice Chairman Bob Ross stated that Mr. Sparks' comment about this being a family feud diminished the scope of what was being discussed. He stated that he personally served as an investigator in the Fayette County Republican Party during the presidential primary a few years ago when Ms. Watts was supporting the numbers and the question was raised if it was appropriate. He stated that in the course of his investigation he determined that Ms. Watts was not doing that in her capacity as a member of the Election Board, but as a private citizen and he recommended that she be found not guilty. He stated that one month ago the Republican Party held its county convention and both Lane and Marilyn Watts were elected as delegates for the GOP District Convention and alternates for the State Convention and that was done without any interference from any party member. He stated that to say it was a family feud was improper. He stated that he was also present to ask the Board to reverse the decision to seek attorney fees from the petitioners. He briefed the Board on information regarding this item. He stated that after the redistricting Lane Watts' residence was redistricted to the thirteenth district. He stated that three weeks later Mr. Watts submitted a voter registration change of address form to the Board of Election transferring his home to the rental home in Peachtree City. He stated that the matter was forwarded to the District Attorney. He stated that the petitioners appeared before the State Elections Board and also advised that body of what had transpired in Fayette County. That Board directed the Fayette County Office of the Attorney General to perform an independent investigation on the matter. He stated it was that investigation that resulted in the Lane Watt's conviction of voter fraud. He stated that the appointment of Marilyn Watts to the Board of Elections was invalid because Lane Watt's voter registration was invalid at the time he made the appointment.

Attorney Scott Fabricius referenced the letter that was sent to the Board of Commissioners. He stated that the respondent's motion for attorney's fees was based on two theories, neither supported legally or factually. He stated that the first theory, that somehow perjury was committed in the verification of pleadings, should be initially noted that the requirement of verification under Rule 11 is a statement from the person making the verification that the contents of a pleadings, in this case the petition, are true to his knowledge as except in those matters stated information and belief those matters are believed to be true. He stated that was the exact language used in drafting the verification in this case. He stated that the Respondent suggests that because the petition did not contain the words that it was based on "information and belief" that the signing of the verification constituted perjury since the person who signed the verification did not have personal knowledge of all the content of the petition. He continued to explain the case to the Board. He stated that for Mr. Sparks to suggest that the Board already has \$30,000 that is incorrect. He stated that the Petitioners intend to appeal if the Board does not vote to reverse their decision. He continue to brief the Board on information in this case. He stated that voting was one of the most sacred rights and it was abhorrent when there was even the appearance of improprieties in the actions of the Board of Elections. He stated that we should encourage citizens to hold public officials accountable and not seek to punish them when they do.

Vice Chairman Ognio stated that the Board was not here to be a legal arm, but to only make a decision on the legal fees.

Mr. Davenport stated that he heard from Chairman Jones and Mr. Fabricius that the county interfered. He stated that the appointment to replace Marilyn Watts was on the agenda and that was not interference. He stated that it was only after a temporary restraining order was filed by Mr. Sparks and Ms. Watts that the Board did not go forward with the appointment and that was not interference, but instead respect for the judicial system. He stated that Mr. Sparks put the County on a temporary restraining order because the County was part of the process. He stated that the County does not approve anything, but only certifies. He stated that it was the Republican Party that makes the appointment and the County certifies the appointment. He stated that he has had no conversation at any point with Chairman Jones. He stated that he did have a conversation with Mr. Fabricius and he explained to Mr. Fabricius that the county did not have

a “dog in this fight”. He stated that the county had no duty to argue because the County was listed on the temporary restraining order because the County certifies the appointment. He stated that the County simply respected the judicial system.

Commissioner Rousseau stated that he found that his colleagues had recused themselves at different points during this matter. He stated that the Board was dealing with an issue that the courts had dealt with. He stated that the court preceding had been rehashed at this meeting. He stated that the court had made a ruling in one of the rulings was for the Board to exercise the right to seek reimbursement of attorney’s fees. He stated that he read the letter that was received from the Republican Party, he pulled minutes from previous meetings that lead up to this discussion and he was at a point where the Board has in good faith acted on the behalf of the citizens of the county. He stated that he was confused about why this was on the agenda because the Board had already voted on this issue. He stated that nothing that came before the Board was anything new. He stated that procedurally he had some issues with rehashing an item that had previously been voted on. He stated that he was perplexed because the Board was being asked to stay out of an issue that got out of control. He stated that the Board was to be good stewards of the tax payer’s dollars.

Vice Chairman Ognio stated that the fact that the Board received a letter from the Republican Party and needed to reply to the letter needed to be done with the consent of the entire Board. He stated that could not be done without putting it on the agenda. He stated that this was not court and the Board was not making a judgement of right, wrong or indifferent on either side and was instead responding to a letter that was sent.

Commissioner Oddo stated that the Board’s duty was to the entire county and not a particular group. He stated that the court gives the Board a method to come to a conclusion or resolution and that was what happened. He stated that when the Board agreed to pay the charges, Ms. Watts agreed to repay the county if she lost. He stated that he could not see how this matter should come to the Board and not continue its conclusion in the court. He stated that at this point he was comfortable letting this proceed. He stated that nothing was said that was different from the past.

Commissioner Brown stated that there were plenty of findings in this case. He stated that the Board had to consider if there was no clear effort to be frivolous or create some extraordinary nuisance by raising a concern over a governmental official then he would highly caution the government from snapping back after those people because it creates a chilling affect that says, “if you talk against me you will face the penalty”. He stated that the government has lots of money and that was why the government has to be extremely cautious on going back on things like this. He stated that if there was any validity at all then the Board needs to pay attention. He stated that Mr. Sparks did file for dismissal and he believe that the Superior Court rejected that. He stated that when the case was presented to the Chairman of the Republican Party saw enough merit to send the case to the District Attorney. He stated that the District Attorney saw enough to elevate it to the Secretary State who then sent it to the Attorney General’s Office. He stated that the Attorney General’s Office saw enough creditable evidence to take it to trial and that judge ruled guilty. He stated that there was enough “cloudy stuff” to be careful to say that the Board will go after citizens who raise a complaint. He stated that if the Petitioners appeal and win, the County would be out of a lot of extra money. He stated that if lane Watts was found in violation then he would have to deem that he was not a valid elector at that point and if he was not a valid elector and made the Chairman of the Republican Party, then he was an invalid Chairman of the Party and his appointment would then be an invalid appointment. He stated that the person that has the most voter registration and training in the history of Fayette County was Marilyn Watts. He stated that the importance of that was because she was unable to answer questions regarding voter registration and the penalties concerning that. He stated that this case was not frivolous. He stated that the Board should not go after the citizens because it was pursuing people’s individual liberties, freedom of speech and their right to petition grievances with local government. He stated that the Board should err on the side of caution in those situations.

Commissioner Rousseau stated that it appears that the situation that caused this happened in the reverse. He stated that it should have been the "Lane situation" before the "Marilyn situation". He stated that he spent a reasonable amount of time cultivating healthy relationships with Party members and he view them as citizens. He stated that the comments in response to the "Lane situation" are extremely valid, chilling and troubling. He stated that however what brought the Board to seeking the fees had to do with Marilyn Watts's case which was before the "Lane's ruling." He stated that he shared some of the things said about the effect that the Board could vicariously be sending. He stated that the Petitioners went forward with the case and chose that route and the Board had to make a decision as well.

Commissioner Brown stated that the situation with Ms. Watt's son was well in advance of Lane Watts' case. He stated that it just took the process that long.

Commissioner Rousseau stated he was only dealing with the ruling of attorney's fees.

Commissioner Brown stated that if there was an obligation from government that if there was any merit to the case the Board should at least give them the benefit of doubt.

Commissioner Rousseau stated that if the process was still going forward with appealing the judge's ruling on attorney's fees then let it all play out.

Commissioner Oddo stated that the Board does have a fiduciary responsibility to citizens. He stated that there was two sides and that was why it was going to the court and the Board should not be changing things now. He stated that the court should handle this.

Commissioner Brown moved to refrain from any movement from receiving legal fees and "chalk it up" to protecting the liberties and openness of the system and telling the citizens that they do have a right, without threat, of petitioning their local government. The motion died for lack of second. The original decision stands.

Vice Chairman Ognio stated that it was hard to sit as a member of the Republican Party and knowing that three of them are members of the Party, and that he understands Commissioner Brown's point and that the Board had to look at the ruling. He stated that the Board had a fiduciary responsibility, but that he looked at this and wondered how it would look if a special interest group that three of them was involved in asked for something special would they do it just because they are part of the group. He stated that this had put the Board in a weird situation that no one wanted to be in.

Commissioner Brown stated that he wanted to be certain it was clear that the Watt's verdict in the State Court was after the Board made the other decision. He stated that in fairness to the petitioner in this case there had been more evidence. He said for the record, "I would do this for the Democratic Party, I would do it for the Libertarian Party, I would do it for the Communist Party; anybody who petitions the government and as a decent grievance...something that is just not extraordinarily frivolous they have my full support. I will not allow the government to pursue them back."

Commissioner Rousseau stated that he could not allow that comment go forward as though he would not. He stated that speaking for himself he would defend that right, but he would also say the Board had a duty to be accountable when things are not comfortable. He commended Chairman Ognio for his comments because of the very difficult compromising position; yet he was able to wade through it.

A copy of the request, identified as "Attachment 15", follows these minutes and is made an official part thereof.

Chairman Maxwell returned to the dais.

PUBLIC COMMENT:

Public Arts Committee Chair Donna Thompson made comments regarding Vice Chairman Ognio's comments from the April 13, 2017 Board of Commissioners meeting regarding Martin birdhouses and the birdhouse project, Easter projects and the using of gift cards for prizes for the Public Arts Committee. She stated that the committee had kicked off the birdhouse project and it was doing well. She stated that Martin birdhouses are more expensive and the committee hopes that maybe an Eagle Scout project would get behind the Martin houses. She stated there are 80 birdhouses, 35 of the 80 have been donated and registered. She stated that 17 had gone to Southern Conservation Trust, 14 went to Tyrone and she was still holding three of them to go to public spaces. She stated that Martins are not the only birds that aid in the control of mosquitos. She stated that the committee did not pursue any Easter event because the county was saturated with Easter events. She stated that the cities and churches have them. She stated that in regards to going to gift cards for prizes. She stated the committee had a lengthy discussion on this and the thought was that it would elevate the competition and get more people involved because people would go for money. She stated that last year they had a hard time getting the gift cards donated.

Roy Bishop made comments regarding the West Fayetteville Bypass and the mowing on the county roads in the north end of the county and near his home. He stated that during the last meeting the Board talked about cutting grass. He stated that he was unable to determine if the discussion was to cut grass on the State roads. He stated that the Board should look at some of the county roads at the north end of the county because nothing had been done as far as cutting the grass. He stated that Commissioner Rousseau was the only one that had come out to view the new bridge. He stated that it looked good on top but it was never completed like the prints. He stated that Phillip said that he had to cut the grass three times a year, he stated that he would like to know how many of the Commissioners could get by with only cutting the grass three times a year in the growing season.

Board of Election Member Aaron Wright thanked the Board members who attended the Board of Elections meeting. He stated that the Board of Elections had gone through an overhaul and the Board of Elections are in the process of rebuilding the public's trust in the office. He stated that they were proud of Elections Supervisor Floyd Jones and that he was doing a phenomenal job as well as the rest of the staff. He stated that the Board of Elections are continuing to look at redrawing the precinct lines and they would keep the Board informed.

ADMINISTRATOR'S REPORTS:

West Fayetteville Bypass

Mr. Rapson stated that the Notice to Proceed for the West Fayetteville Bypass had moved to June. He stated that staff cut 279, 314 and North 85 that was approved to enhance that grass cutting, but had not addressed the county area.

Accolades to Mr. Jones

He stated that he also thought Floyd was doing an outstanding job.

Coweta County mowing contract

Commissioner Rousseau asked for an update regarding the mowing contract. Mr. Rapson stated that the letter to Coweta County had gone out to terminate the contract.

Selection Committees

County Administrator Steve Rapson stated that he needed a Selection Committee for the Planning Commission.

Commissioner Rousseau moved to appoint Commissioner Brown and Chairman Maxwell to the Planning Commission Selection Committee. Commissioner Oddo seconded. The motion 5-0.

Mr. Rapson stated that he needed a Selection Committee for the Board of Assessors.

Commissioner Brown moved to appoint Commissioner Rousseau and Chairman Maxwell to the Board of Assessors Selection Committee. Vice Chairman Ognio seconded. The motion passed 5-0.

Highway 54 utility relocate

Mr. Rapson stated that he received a notification from Georgia Department of Transportation in regards to the Highway 54 utility relocate. He stated that they put out a bid and received quotes. He stated that the Board originally approved up to \$1,289,446 and the actual contract amount was \$1,124,653.05. He stated that the Board had already taken action on this but now the County had received an invoice so there would be a check released.

Purchase of mowing equipment

He stated that the Board approved staff to procure equipment for the right-of-way state route and to purchase equipment up to \$225,000. He stated that there was a state contract where all five of the equipment was on a state contract and the aggregate for all the pieces of equipment combined to Sun South was \$204,652,012. He stated that it was good that it was under \$225,000 but that it was bad that it breached \$200,000 because that was his cap for approvals and so he would need the Board to approve. Commissioner Rousseau moved to authorize the Chairman to execute the contract for the purchase of the mowing equipment that was approved at the April 13, 2017 Board of Commissioners meeting. Commissioner Oddo seconded. The motion passed 5-0.

Retreat

He reminded everyone that the retreat would be held on May 3 and 4 and the Board can pick up the retreat packages Thursday at noon.

ATTORNEY'S REPORTS:

Notice of Executive Session: County Attorney Dennis Davenport stated that there was one item of pending litigation and for review of the Executive Session minutes for April 13, 2017.

COMMISSIONERS' REPORTS:

Vice Chairman Ognio:

County branding initiative

Vice Chairman Ognio stated that he attended the reveal of the branding for Fayette County. He stated that the new tag was "Create Your Own Story, Fayette County, Georgia". He stated that "They said Fayette County had a lot of history so that was why they wanted people to create their own story." He stated that he was not sure how the Board would address this and if it would become something that the County would use and how to use it. He stated that it would need to be placed on an agenda. He stated that he just wanted the citizens to know.

Mowing

He stated that the mowing of the State right-of-ways would increase the mowing on the county roads because there was more equipment and staff would section off quadrants were the equipment would be used and therefore more mowing.

Commissioner Brown:

In accordance with the Americans With Disabilities Act, accommodations are available for those who are hearing impaired and in need of a wheelchair. The Board of Commissioners Agenda and written material for each item is available on-line through the County's website at www.fayettecountyga.gov. This meeting will be telecast on Comcast Cable Channel 23 and on the internet at www.livestream.com.

Commissioner Brown stated that he received a letter from GDOT and it was a response to a letter that he wrote as Chairman in 2014 about the round-a-bouts on Highway 92. He stated that he asked that a copy be placed in the Commissioners' mailboxes.

County branding initiative

He stated that a lot of people think the logo was all there was to the branding campaign. He stated that it was not it and that there was an entire three year marketing campaign with explicit instructions on what the local jurisdiction would do, how business could participate and how private citizens could participate through social media. He stated that he would ask that the County would start incorporating the new brand before making reorders of business cards and things of that nature.

Commissioner Oddo:

Commissioner Oddo thanked everyone for attending.

Commissioner Rousseau

Mowing staff

Commissioner Rousseau asked staff when the Board would receive the update on the staff for the mowing. Mr. Rapson stated at the May 11 meeting. He stated that it was a huge thing for the residents to see that the County was responding and that their communities are being maintained.

Thank you to Elections Board

He stated that he wanted to say, "thank you" for the comments from the Board of Elections especially with the work that was being done. He stated that he agreed that Floyd was a great addition.

Chairman Maxwell

Chairman Maxwell stated that last week he wrote an email that said he would write a letter to GDOT if the issue with the Highway 54 speed limit had not been resolved. He asked Mr. Mallon if that was resolved. Mr. Mallon stated that he would recommend holding off because a work order had been entered by GDOT.

EXECUTIVE SESSION:

One Item of Pending Litigation and Review of the April 13, 2017 Executive Session Minutes: Commissioner Brown moved to go into Executive Session. Vice Chairman Ognio seconded. The motion passed 5-0.

The Board recessed into Executive Session at 10:41 p.m. and returned to Official Session at 10:53 p.m. Chairman Maxwell was absent following Executive Session.

Return to Official Session and Approval to Sign the Executive Session Affidavit: Vice Chairman Ognio moved to return to Official Session and for the Chairman to sign the Executive Session Affidavit. Commissioner Brown seconded the motion. The motion passed 4-0-1 with Chairman Maxwell absent.

Approval of the April 13, 2017 Executive Session Minutes: Vice Chairman Ognio moved to approve the April 13, 2017 Executive Session Minutes. Commissioner Brown seconded the motion. The motion passed 4-0-1 with Chairman Maxwell absent.

ADJOURNMENT:

In accordance with the Americans With Disabilities Act, accommodations are available for those who are hearing impaired and in need of a wheelchair. The Board of Commissioners Agenda and written material for each item is available on-line through the County's website at www.fayettecountyga.gov. This meeting will be telecast on Comcast Cable Channel 23 and on the internet at www.livestream.com.

Commissioner Brown moved to adjourn the April 25, 2017 Board of Commissioners meeting. Vice Chairman Ognio seconded the motion. The motion passed 4-0-1 with Chairman Maxwell absent.

The April 25, 2017 Board of Commissioners meeting adjourned at 10:53 p.m.

Tameca P. White, County Clerk

Eric K. Maxwell, Chairman

The foregoing minutes were duly approved at an official meeting of the Board of Commissioners of Fayette County, Georgia, held on the 11th day of May 2017. Referenced attachments are available upon request at the County Clerk's Office.

Tameca P. White, County Clerk

COUNTY AGENDA REQUEST

Page 31 of 49

Department: Public Works / 2017 SPLOST

Presenter(s): Phil Mallon, Director

Meeting Date: Thursday, May 11, 2017

Type of Request: New Business #4

Wording for the Agenda:

Consideration staff's recommendation to submit applications to the Atlanta Regional Commission in response to their open solicitation for Transportation Improvement Program (TIP) projects and authorization for the Chairman to provide a letter of support for the projects.

Background/History/Details:

The Transportation Committee recommends approval.

See backup.

What action are you seeking from the Board of Commissioners?

Direction for staff to submit the TIP applications to ARC and for the Chairman to provide a letter of support.

If this item requires funding, please describe:

Funding will be required as a local match (80/20) for any approved projects. Sufficient funds are available in the 2017 SPLOST for all the requested projects.

Has this request been considered within the past two years? No

If so, when?

Is Audio-Visual Equipment Required for this Request? No

Backup Provided with Request? Yes

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance Not Applicable

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval Yes

Administrator's Approval

Staff Notes:

BACKGROUND/HISTORY/DETAILS:

Staff is recommending that Fayette County submit multiple applications in response to ARC's current TIP project solicitation.

The first application(s) are for studies. Candidate projects include SR 279 (corridor improvements and realignment of intersection with SR 85); corridor studies along Sandy Creek Road and Tyrone Road; and a corridor study along Banks Road. The studies are required in order to make the projects eligible for possible federal-aid in the future for PE, ROW and CST. Funding is available in the 2017 SPLOST for all the studies and future implementation of select ones. The required local match will be a function of grant award, but is estimated to be less than 200,000 (per the SPLOST referendum, \$333,300 is available).

The second type of application will be for pavement repair and maintenance on several County and City roads. Fayette is currently completing a similar project that was awarded during the previous ARC TIP solicitation. Under this application up to six miles in the unincorporated County would be paved and striped. The estimated local match for this work is less than \$500,000 and funding is available from the 2017 SPLOST Infrastructure Preservation and Improvement category.

The third is for the City of Fayetteville's pedestrian bridge project over SR 54. This is an existing project (FA-353) and the request is for additional money to fully fund the construction phase. The local match, as well as project management, is provided by the city. The County is listed as the sponsor because of our certification with GDOT. The letter of support for this project should be from the City.

Applications are due May 17, 2017.

May 12, 2017

Ms. Amy Goodwin
Atlanta Regional Commission
40 Courtland Street, NE
Atlanta, GA 30303

Dear Ms. Goodwin,

I understand the Atlanta Regional Commission is accepting proposals for new Transportation Improvement Program (TIP) projects. The purpose of this letter is to express, on behalf of the Board of Commissioners, Fayette County's support for the two projects described below.

- *Planning Studies* – In March of this year Fayette County citizens approved a SPLOST that includes over \$8,000,000 for local match on federal-aid transportation projects. For these projects, we are seeking assistance with the preparation of Concept Reports / Detailed Planning studies to identify the best candidates for implementation through the federal aid plan delivery process (i.e., the studies will determine how well each supports the goals and objectives of the Atlanta Region's Plan). Each of the corridors identified in the application serve multiple jurisdictions, connect to state routes, have safety and capacity concerns, are experiencing growing traffic volumes, and have latent demand for bike, pedestrian and/or multi-use path improvements.
- *Resurfacing* – Fayette County is in the process of completing a federal-aid resurfacing project (FA-351) that was awarded during the last ARC project solicitation. That project is proving to be very helpful in maintaining local roads within the County. This grant application is for a second, similar project. The identified roads are all GDOT collectors or arterials. They were selected and prioritized for maintenance using the results of a 2016, third party, county-wide pavement evaluation. Based on the experience gained from FA-351, we are confident the requested project can be delivered in a timely manner. Similar to the Planning Studies, local match is available from the 2017 SPLOST.

Fayette County appreciates the opportunity to submit these project applications and looks forward to working with ARC, GDOT and our neighboring communities on project implementation.

Sincerely,

Eric K. Maxwell
Chairman

Cc: Randy Ognio, Chairman, Transportation Committee
Board of Commissioners
Steve Rapson, County Administrator
Phil Mallon, Public Works Director

COUNTY AGENDA REQUEST

Page 34 of 49

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of staff's recommendation to award RFP #1282-P, Comprehensive Transportation Plan (CTP) and Master Path Plan (MPP) to Jacobs Engineering Group for a lump sum amount of \$492,124.

Background/History/Details:

RFP #1282 included scopes for two projects: the CTP update and the MPP (GDOT PI 015075 / ARC FA-356). The purpose of the CTP is to update the County's 2010 CTP through public engagement; inventory and assessment of existing transportation assets, programs and policies; development of recommendations; and delivery of a final report. The report will contain a fiscally unconstrained long-term vision project list and a fiscally constrained short-term action plan.

The scope for the MPP is similar to the CTP but the focus is on transportation issues associated with pedestrians, bicycles, and golf carts. In addition to identification of project needs and prioritization, the MPP will also make recommendations for consistency among the cities and county for path design standards, at-grade crossings, signs, permitting, etc.

Both plans will be inclusive of Brooks, Woolsey, Tyrone, Peachtree City and Fayetteville. The projects are being awarded to one consultant team to ensure the two plans are compatible and to optimize public outreach activities.

The individual project costs are: CTP \$312,387 and MPP \$179,737. Both are within the original budget estimates.

What action are you seeking from the Board of Commissioners?

Approval of the award RFP #1282-P, Comprehensive Transportation Plan (CTP) and Master Path Plan (MPP) to Jacobs Engineering Group for a lump sum amount of \$492,124.

If this item requires funding, please describe:

Both projects are funded with a federal/local match (80/20). The local match for the CTP is through CIP 6220K and the local match for the MPP is CIP 6220J.

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance

Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:



To: Steve Rapson

From: Ted L. Burgess

Date: May 11, 2017

Subject: RFP #1282-P: Comprehensive Transportation & Master Path Plans

The Public Works Department is in the process of updating the county's Comprehensive Transportation Plan, and developing a Master Path Plan. The Purchasing Department issued Request for Proposals (RFP) #1282-P to contract with an engineering firm for this purpose. The Department emailed notices to 45 firms. A total of 783 traffic consulting, transportation consulting, and other engineering firms were contacted through the Georgia Procurement Registry. In compliance with federal funding requirements, an additional 12 small, minority-owned, or women-owned businesses were emailed notices. Invitations were extended via the Fayette News, the county website, Georgia Local Government Access Marketplace (www.glga.org), Channel 23, and the Greater Georgia Black Chamber of Commerce.

Four firms submitted proposals. An Evaluation Team reviewed, evaluated, and scored the proposals, following criteria spelled out in the Request for Proposals. The six-person Evaluation Team consisted of staff from Public Works, Environmental Management, Engineering, Purchasing, the county's Transportation Committee, and the City of Fayetteville. The highest-scoring proposal was Jacobs Engineering Group (Attachment 1).

Federal regulations require counties to follow the Brooks Act (Public Law 92-582) when soliciting for certain engineering services that will use Federal funds. It was determined that this project falls under the requirements of the Brooks Act. Therefore evaluations must be based on technical merit only, with no consideration for proposed prices. After evaluations are completed, the price envelope for the highest-scoring firm is unsealed. If a fair and reasonable price cannot be negotiated with this firm, the county must reject their proposal, and unseal the price proposal of the next-best scoring firm. Jacobs Engineering Group's price proposal is within budgeted funds, and considered fair and reasonable (Attachment 2). Jacobs Engineering has done work for the county before, and the Contractor Evaluation documents satisfaction with their work (Attachment 3).

Specifics of the proposed contract are as follows:

Contract Name 1282-P: Comprehensive Transportation & Master Path Plan
Vendor Jacobs Engineering Group, Inc.
Contract Term Approximately 13 months to delivery of final documents
Lump Sum Price:

<u>Project</u>	<u>Contract Price*</u>	<u>Budget</u>
6220K Transportation Study	\$312,387.00	\$312,500.00
6220J Path Study	<u>179,737.00</u>	<u>180,000.00</u>
Total	<u>\$492,124.00</u>	<u>\$492,500.00</u>

Budget Location:

Fund	375	Capital Improvement Program
Org.	37540220	Road Department
Object	521316	Technical Services

*While the total price of the contract will be \$492,124.00 up to 80% of this amount is subject to reimbursement by the Federal Highway Administration.

**PROPOSAL #1282-P: 2017 COMPREHENSIVE TRANSPORTATION & MASTER PATH PLANS
EVALUATION SCORES**

Summary

EVALUATION CRITERIA & SOME POINTS CONSIDERED		MAX POINTS	GRICE CONSULTING GROUP	IDS GLOBAL	JACOBS ENGINEERING GROUP INC.	POND & COMPANY
1	Project Understanding and Proposed Scope Consider things such as: <ul style="list-style-type: none"> - How consultant will meet goals & objectives; creativity & improvements. - Value delivered for the price. - Innovative ideas. - Approach for public engagement. - Identification of appropriate tasks & milestones. - Identification of challenges to work around. - Strategy for stakeholder coordination. 	35	25.3	6.8	31.3	26.7
2	Knowledge of Fayette County Transportation Issues Consider things such as: <ul style="list-style-type: none"> - Knowledge & understanding of transportation issues in Fayette County. - Discussion of how these issues are relevant to the studies. - Knowledge of the community, surrounding areas & jurisdictions. - Knowledge of regional projects, developments & initiatives. - Knowledge of applicable local, state, & federal funding opportunities & strategies. 	20	11.2	2.2	17.8	14.3
3	Project Team Experience Consider things such as: <ul style="list-style-type: none"> - Experience on similar projects, especiall communities similar to Fayette County. - Experience of proposed key staff. - Experience with innovative methods of public engagement. - Experience soliciting, designing & managing Federal Aid projects. - GDOT pre-qualifications / certifications. - Experience coordinating with muntiple local governments. 	20	14.7	7.5	17.3	14.5
4	Quality of Written Proposal Consider things such as: <ul style="list-style-type: none"> - Effectiveness of communication. - Relevance of the information provided. - Quality of the overall layout. 	15	9.8	5.0	12.7	10.8
5	Schedule Consider things such as: <ul style="list-style-type: none"> - Will all work be completed by June 30, 2018? - How will the schedule be controlled? - What is the firm's success record with staying on schedule with similar projects? - How well did the firm identify critical pay tasks, and how thorough were they? 	10	5.8	4.7	8.8	7.2
Total Score - Technical Merit		100	66.8	26.2	88.0	73.5

2017 Comprehensive Transportation and Master Path Plans, RFP#1282-P**Fee and Hourly Rate Schedule****SCOPE A PROPOSED FEE**

Task	Fee
1. Project Management	\$26,798
2. Engagement	\$87,985
3. Inventory	\$45,820
4. Assessment	\$64,457
5. Recommendations	\$58,479
6. Documentation	\$28,849
TOTAL	\$312,387

SCOPE B PROPOSED FEE

Task	Fee
1. Project Management	\$12,053
2. Engagement	\$43,306
3. Inventory	\$31,163
4. Assessment	\$41,930
5. Recommendations	\$29,267
6. Documentation	\$22,018
TOTAL	\$179,737

JACOBS RATE SCHEDULE

Staff Classification	Rate
Project Manager	\$127.18
Principal Planner	\$176.98
Senior Planner	\$122.88
Planner	\$95.08
GIS/Graphics	\$66.10
Roadway Engineer	\$133.43
Principal Traffic Engineer	\$228.55
Traffic Engineer	\$115.13
Admin	\$90.00

RS&H RATE SCHEDULE

Staff Classification	Rate
Project Manager	\$197.18
Senior Planner II	\$176.78
Senior Planner I	\$134.87
Project Planner	\$120.39
Planner	\$103.28
Admin/Graphics	\$60.75

ALTA RATE SCHEDULE

Staff Classification	Rate
Principal	\$200.00
Senior Planner	\$158.00
Associate Planner	\$138.00
Project Planner	\$112.00
Planner	\$95.00
Admin/Graphics	\$72.00

BLUE CYPRESS RATE SCHEDULE

Staff Classification	Rate
Principal	\$125.00
GIS Analyst	\$85.00
Admin/Graphics	\$75.00

FAYETTE COUNTY, GEORGIA CONTRACTOR PERFORMANCE EVALUATION		Page 1			
1. Use this form to record contractor performance for any contract of \$50,000 or above. 2. The person who serves as project manager or account manager is the designated party to complete the evaluation. 3. This form is to be completed and forwarded to the Purchasing Department not later than 30 days after completion or expiration of a contract. Past performance is considered on future contracts.					
VENDOR INFORMATION		COMPLETE ALL APPLICABLE INFORMATION			
Company Name: <i>Jacobs Engineering</i>	Contract Number: <i>976-N</i>				
Mailing Address: <i>10 Tenth Street, NW, Suite 1400</i>	Contract Description or Title: <i>Methane, Groundwater, + Surface Water Monitoring</i>				
City, St, Zip Code: <i>Atlanta, GA 30309</i>	Contract Term (Dates) From: <i>2/10/2014</i> To: <i>6/30/2017</i>				
Phone Number:	Task Order Number:				
Cell Number:	Other Reference:				
E-Mail Address:					
DEFINITIONS					
OUTSTANDING - Vendor considerably exceeded minimum contractual requirements or performance expectations of the products/services; The vendor demonstrated the highest level of quality workmanship/professionalism in execution of contract.					
EXCELLENT (Exc) - Vendor exceeded minimum contractual requirements or performance expectations of the products/services.					
SATISFACTORY (Sat) - Vendor met minimum contractual requirements or performance expectations of the products/services.					
UNSATISFACTORY (UnSat) - Vendor did not meet the minimum contractual requirements or performance expectations of the products and/or services; Performed below minimum requirements					
EVALUATIONS (Place "X" in appropriate box for each criterion.)					
Criteria (includes change orders / amendments)	Out-standing	Exc	Sat	Un-Sat	Not Apply
1. Work or other deliverables performed on schedule	X				
2. Condition of delivered products	X				
3. Quality of work	X				
4. Adherence to specifications or scope of work	X				
5. Timely, appropriate, & satisfactory problem or complaint resolution	X				
6. Timeliness and accuracy of invoicing	X				
7. Working relationship / interfacing with county staff and citizens	X				
8. Service Call (On-Call) response time	X				
9. Adherence to contract budget and schedule	X				
10. Other (specify): <i>consistently under budget</i>					
11. Overall evaluation of contractor performance	X				
EVALUATED BY					
Signature: <i>Vanessa Birrell</i>	Date of Evaluation: <i>3-9-2017</i>				
Print Name: <i>Vanessa Birrell</i>	Department/Division: <i>EMD</i>				
Title: <i>Director, Env Management</i>	Telephone No: <i>5410</i>				

Purchasing Department Comments (e.g. did the vendor honor all offers; submit insurance, bonds & other documents in a timely manner; and provide additional information as requested?):

COUNTY AGENDA REQUEST

Page 42 of 49

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of the County Attorney's recommendation to deny the disposition of tax refunds, as requested by James Henry for tax year 2016 in the amount of \$2,814.11.

Background/History/Details:

When a taxpayer feels that an error has occurred with respect to taxes paid to Fayette County on Real Estate and Personal Property tax bills, they have the right to request a Refund under O.C.G.A. 48-5-380. This request is given to the Tax Assessors' Office in order to be reviewed in detail by the County Attorney. Appropriate recommendation(s) are then forwarded to the Board of Commissioner's for their final approval of said requests.

A memo from the County Attorney is provided as backup with an explanation to deny tax year 2016 of this request.

What action are you seeking from the Board of Commissioners?

Approval to deny the disposition of tax refunds, as requested by James Henry for tax year 2016 in the amount of \$2,814.11.

If this item requires funding, please describe:

The funding required will be for those refund requests where the overpayment of taxes (voluntarily or involuntarily) was a direct result of property that had previously been erroneously assessed and taxes have already been collected from the taxpayer(s).

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance

Reviewed by Legal

Approved by Purchasing

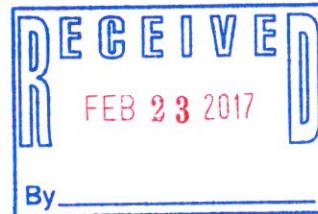
County Clerk's Approval

Administrator's Approval

Staff Notes:

February 22, 2017

Fayette County Board of Commissioners
140 Stonewall Plaza
Fayetteville, GA 30214



RE: Parcel #070414003

Dear Commissioners,

My name is James Henry. I am a U.S. Citizen that worked for the federal government in a law enforcement capacity for over 26 years. During my career, I worked at eight different duty stations and lived in several states. My last duty station was in Kansas City, Kansas. In November 2014, I was diagnosed with stage four inoperable lung, adrenal gland, and brain cancer. Since November 2014, to the current date, I have been actively receiving chemotherapy treatments. Many of those treatments involved my travels back and forth to Kansas City in 2015 to continue care with the team of physicians I had at that time.

Upon leaving the agency and career that I enjoyed, my family and I moved to Fayetteville, Georgia in August 2015 into our new home located at 123 Waterlace Way. While having my 2016 state and federal taxes done, the tax preparer informed us about the "Homestead Exemption", as our home on Waterlace Way was and remains our primary residence.

As a new resident to Georgia in 2015, I was unaware of the Homestead Exemption provision in the state or in Fayette County. The 2015 tax bill was not in my name, and I did not receive the tax bill explaining the exemptions available to me for the upcoming 2016 tax year. The bill was paid electronically by Chase Mortgage. The 2016 property tax statement arrived as it should have, in my name, and was paid with no exemption on the property. Therefore, I was simply unaware of the opportunity to file for the HSE for 2016, with the bill arriving in September, months after the required April 1, 2016 deadline date.

I have followed guidelines to file for the Homestead Exemption for the 2017 tax year, and I have enclosed a copy of that exemption, along with tax bills and receipts for the 2015 and 2016 tax years.

Due to my diagnosis and current health status, I am asking for your consideration in this matter. I am in the process of getting my personal affairs in order in a timely way. My wish is that if this request is granted, this exemption refund would be of benefit to my wife and children in the event of my passing.

In summary, as I was unaware of the opportunity to file for the HSE for 2016, and in that I am considered fully disabled according to the Social Security Administration as of November 20, 2014, I am requesting a retroactive Homestead Exemption refund for 2016.

Thanks for your consideration in this matter of mutual concern.

Sincerely,

James Henry (unable to sign)

James Henry
123 Waterlace Way
Fayetteville, GA 30215
(770) 716-7486
enclosures

LAW OFFICES
McNALLY, FOX, GRANT & DAVENPORT

A PROFESSIONAL CORPORATION

100 HABERSHAM DRIVE

FAYETTEVILLE, GEORGIA 30214-1381

WILLIAM R. McNALLY
 PATRICK J. FOX
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 PATRICK A. STOUGH
 MEREDITH F. MCCLURE
 E. ALLISON IVEY COX

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 FACSIMILE: (770) 719-4832
 (770) 461-5863

MAILING ADDRESS:
 POST OFFICE BOX 849
 FAYETTEVILLE, GA 30214-0849

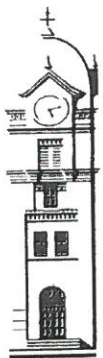
MEMORANDUM

To: Fayette County Board of Commissioners
 From: McNally, Fox, Grant & Davenport, P.C. *ali*
 Date: April 20, 2017
 Re: Tax Refund Request - James Henry - Disabled Homestead Exemption -
 Map Code 070414330

On February 22, 2017, Mr. James Henry made a request for refund of 2016 residential, property taxes. Mr. Henry resides at 123 Waterlace Way, Fayetteville, Georgia 30215. In August 2015, Mr. Henry moved to this residence with his family. This was shortly after he was diagnosed with several inoperable cancers. On February 16 of 2007, Mr. Henry applied for Homestead Exemption on this residence. This was granted. In addition he submitted all required documentation to qualify the Homestead Exemption as an L6. He is 100% disabled and his net Georgia taxable income is under \$15,000 per year. For 2017 and all future years, Mr. Henry is qualified to receive L6 Homestead Exemption. Unfortunately, as seen in several previous refund requests, no provision is made under the statute governing refund of local property taxes to allow retroactive application of an exemption. The commencement of an exemption is strictly determined by the date that a taxpayer applies for the exemption.

The provisions for refund of local property taxes are specific in the protections they provide. They are intended to address errors or illegality in the assessment process and/or records of the assessor's; or to refund taxes in those instances where there was an overpayment. The provisions are not meant to enable the tax books of the county to be re-opened to address an issue a taxpayer merely wishes had been considered during assessment.

No error or illegality in procedure occurred in assessing Mr. Henry in 2016, nor was there an overpayment. His request would require the 2016 assessment to be recomputed to account for an exemption he applied for in 2017. Mr. Henry is terminally ill and being a new resident was unaware of the Homestead law in 2016. However, the assessment was in no way illegal or erroneous. Further, no overpayment has occurred. As such, no legal basis to grant the refund exists. A denial of the refund requested for tax year 2016 is recommended. Recommended denial for tax year 2016 of \$2814.11.



Fayette
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140 STONEWALL AVENUE WEST, STE 100
FAYETTEVILLE, GEORGIA 30214
PHONE: 770-305-5200
www.fayettecountyga.gov

May 5, 2017

James Henry
123 Waterlace Way
Fayetteville, GA 30215

RE: Tax Refund Request

Dear Mr. Henry:

This letter is to notify you that your request for tax refund has been slated to appear on the Thursday, May 11, 2017 Agenda of the regularly scheduled meeting of the Fayette County Board of Commissioners, at 7:00 P.M.

That meeting will take place in the Public Meeting Room of the Board of Commissioners located at 140 Stonewall Avenue West, Fayetteville 30214.

Your request will be discussed and a decision to grant or deny your request will be made at that meeting.

Should you desire to be heard on the matter, please be present and prepared to address the commissioners at the appropriate time.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tameca P. White", is written over a faint, larger version of the same signature.

Tameca P. White, MBA, CCC
County Clerk

Cc: Ali Cox, Assistant County Attorney
Joel Benton, Tax Assessor
Kristi King, Tax Commissioner

COUNTY AGENDA REQUEST

Page 46 of 49

Department:

Presenter(s):

Meeting Date:

Type of Request:

Wording for the Agenda:

Consideration of the County Attorney's recommendation to approve the disposition of tax refunds, as requested by Eileen Kross for tax year 2016 in the amount of \$1,795.08.

Background/History/Details:

When a taxpayer feels that an error has occurred with respect to taxes paid to Fayette County on Real Estate and Personal Property tax bills, they have the right to request a Refund under O.C.G.A. 48-5-380. This request is given to the Tax Assessors' Office in order to be reviewed in detail by the County Attorney. Appropriate recommendation(s) are then forwarded to the Board of Commissioner's for their final approval of said requests.

A memo from the County Attorney is provided as backup with an explanation to approve tax year 2016 of this request.

What action are you seeking from the Board of Commissioners?

Approval to approve the disposition of tax refunds, as requested by Eileen Kross for tax year 2016 in the amount of \$1,795.08.

If this item requires funding, please describe:

The funding required will be for those refund requests where the overpayment of taxes (voluntarily or involuntarily) was a direct result of property that had previously been erroneously assessed and taxes have already been collected from the taxpayer(s).

Has this request been considered within the past two years?

If so, when?

Is Audio-Visual Equipment Required for this Request?*

Backup Provided with Request?

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance

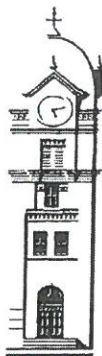
Reviewed by Legal

Approved by Purchasing

County Clerk's Approval

Administrator's Approval

Staff Notes:



Fayette
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TAX ASSESSOR

140 STONEWALL AVENUE WEST, STE 108
FAYETTEVILLE, GEORGIA 30214
PHONE: 770-305-5402
www.fayettecountyga.gov

February 10, 2017

Dear Fayette County Board of Commissioners,

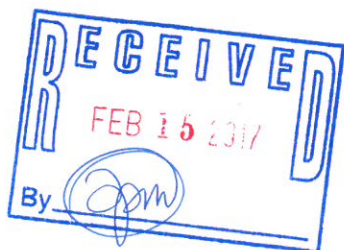
I am Eileen B Kross and I live at 113 Postwood Turn, Peachtree City, GA 30269.

My L4 Homestead Exemption was removed for FY2016 in error. The Tax Assessor's office has reactivated the Exemption. I am requesting that my escrow account be refunded the difference paid out due to this error.

Thank you for your consideration.

Eileen B Kross

Eileen B Kross



RECEIVED

FEB 13 2017

FAYETTE COUNTY
BOARD OF ASSESSORS
FAYETTEVILLE, GEORGIA

LAW OFFICES
McNALLY, FOX, GRANT & DAVENPORT

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 FAYETTEVILLE, GA 30214-0849

MEMORANDUM

To: Fayette County Board of Commissioners

From: McNally, Fox, Grant & Davenport, P.C. *aliced*

Date: April 19, 2017

Re: Tax Refund Request – Ms. Eileen Kross – Parcel 073210033

In December of each year, the Board of Assessors sends notice to each applicable taxpayer of their intent to remove Homestead Exemption from the taxpayer's property for the coming tax year. Upon notification, a taxpayer wishing to dispute the issue must offer corrective information, prior to April first, to be issued an accurate notice of assessment for the tax year. Ms. Kross was sent a notice regarding her property at 113 Postwood Turn, in December of 2015. She did not address the issue at that time. In February 2017, however, she brought the issue and corrective information to the attention of the assessors. She was notified through her mortgage company of the removal. The homestead exemption was reactivated for 2017. A request for refund was made for 2016.

On May 15, 2012 Mr. Frederick P. Kross Jr. quitclaimed his interest in Lot 33 of Piney Knoll (113 Postwood Turn) to Ms. Eileen Kross. When the deed of this transaction came to the Board of Assessors, they correctly changed the name on the tax account. However, they also changed the city in which the property was located. The property is in Peachtree City, all tax notification is mailed to Peachtree City address. The location of the property was inadvertently changed to Buford Georgia at the time the account name was changed. This change caused a return of all tax notices and billings sent to Ms. Kross at the now, Buford address. After several years, the returned mail prompted a notification and removal of the homestead exemption for 2016 and subsequently, 2017.

The refund provisions are intended to provide redress when an error or illegality is discovered in the assessment and collection process. Accurate assessment requires accurate records. In the Kross file, the city in which her property was located and to which all communications were forwarded was incorrectly recorded. Ms. Kross currently resides in, and has not moved from, her homesteaded residence at 113 Postwood Turn in Peachtree City (not Buford). A refund, payable to Corelogic Real Estate Service as the payor for tax year 2016, is recommended to correct the error that resulted in removal of Homestead Exemption.

Total recommended refund for 2016 is \$1795.08



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PHONE: 770-305-5200
www.fayettecountyga.gov

"WHERE QUALITY
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May 5, 2017

Eileen Kross
113 Postwood Turn
Peachtree City, GA 30269

RE: Tax Refund Request

Dear Ms. Kross:

This letter is to notify you that your request for tax refund has been slated to appear on the Thursday, May 11, 2017 Agenda of the regularly scheduled meeting of the Fayette County Board of Commissioners, at 7:00 P.M.

That meeting will take place in the Public Meeting Room of the Board of Commissioners located at 140 Stonewall Avenue West, Fayetteville 30214.

Your request will be discussed and a decision to grant or deny your request will be made at that meeting.

Should you desire to be heard on the matter, please be present and prepared to address the commissioners at the appropriate time.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tameca P. White", is written over a faint, larger blue outline of the same signature.

Tameca P. White, MBA, CCC
County Clerk

Cc: Ali Cox, Assistant County Attorney
Joel Benton, Tax Assessor
Kristi King, Tax Commissioner